

Remarks

In accordance with the present invention, there are provided disintegrins, which can be used to inhibit biological processes such as platelet aggregation, cell growth, adhesion, metastasis, and neovascularization. In particular, homodimeric disintegrins, such as contortrostatin, are employed in methods and compositions which modulate the adhesion, motility, and invasiveness of integrin expression tumor cells. Such disintegrins, when formulated as a pharmaceutically acceptable composition, can be used to treat patients by inhibiting or disrupting disease processes associated with a ligand binding to an $\alpha v \beta 3$ or $\alpha v \beta 5$ integrin.

By the present communication, claims 12-14 are cancelled and claims 17-19 are added. New claims 17-19 further define the contortrostatin or controtorstatin variant of claim 10 with respect to structure, function, and form. No new matter is introduced by the new claims as all claim language is fully supported by the specification and original claims (see for example, original claims 12-14). In addition, new claims 17-19 depend from claim 10 and therefore, there is no issue of new art.

Accordingly, after amending the claims as set forth above, claims 10 and 15-19 are pending in this application. The present status of all claims in the application is provided in the Listing of Claims, beginning on page 2 of this communication.

Double Patenting

The rejection of claims 10, 15, and 16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of US Patent No. 5,814,609 is respectfully traversed. However, in efforts to reduce the issues and expedite prosecution, a terminal disclaimer in compliance with 37 CFR 1.321(c) is submitted herewith.

Accordingly, reconsideration and withdrawal of this rejection is respectfully urged.

CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance. An early notice to that effect is earnestly solicited. Should any matters remain outstanding, the Examiner is encouraged to contact the undersigned at the address and telephone number listed below so that they may be resolved without the need for additional action and response thereto.

Respectfully submitted,

Date March 14, 2006

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6722
Facsimile: (858) 792-6773

By Barry S. Wilson

Barry S. Wilson
Attorney for Applicant
Registration No. 39,431